

# SENATE RECORD VOTE ANALYSIS

104th Congress  
1st Session

Vote No. 114

March 23, 1995, 6:40 p.m.  
Page S-4460 Temp. Record

## LINE-ITEM VETO/Lower Spending Cap Savings for Deficit Cuts Only

**SUBJECT:** Line Item Veto Act of 1995 . . . S. 4. McCain (for Domenici) motion to table the Exon (for Byrd) amendment No. 350 to the Dole substitute amendment No. 347.

### ACTION: MOTION TO TABLE AGREED TO, 49-48

**SYNOPSIS:** Pertinent votes on this legislation include Nos. 109-113 and 115.

As reported, S. 4, the Legislative Line Item Veto Act of 1995, will grant the President enhanced power to rescind spending in appropriations bills, and direct (generally entitlement) spending bills. Rescissions would remain in effect unless Congress passed a disapproval resolution and, if necessary, overrode a presidential veto by the usual two-thirds margin in both Houses. Savings from rescissions would be applied to the deficit.

The Dole substitute amendment would replace the provisions of S. 4 with provisions that would mandate the separate enrollment as bills of line items in all spending bills, all bills containing new or expanded direct spending programs, and all bills containing targeted tax benefits.

**The Exon (for Byrd) modified amendment** would bar the use of savings from cuts in discretionary spending from being used to offset increases in mandatory spending or decreases in taxes. More specifically, it would amend the Budget Act to make it out of order to consider in the Senate or the House any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that would decrease the discretionary spending limits unless the savings from that decrease were to be used for deficit reduction instead of to offset an increase in direct spending or a decrease in receipts. This point of order could be waived by a three-fifths majority (60) vote in the Senate. Further, the amendment would amend the Balanced Budget and Emergency Deficit Control Act to provide that a decrease in the discretionary spending limits could only be used for deficit reduction and could not be used to offset all or part of an increase in direct spending or a decrease in receipts.

Debate was limited by unanimous consent. Following debate, Senator McCain (for Senator Domenici) moved to table the amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

(See other side)

YEAS (49)		NAYS (48)		NOT VOTING (3)	
Republicans (49 or 96%)	Democrats (0 or 0%)	Republicans (2 or 4%)	Democrats (46 or 100%)	Republicans (3)	Democrats (0)
Abraham	Hutchison	Hatfield	Akaka	Inouye	Gramm- <sup>2</sup>
Ashcroft	Inhofe	Jeffords	Baucus	Johnston	Helms- <sup>2</sup>
Bennett	Kassebaum		Biden	Kennedy	Stevens- <sup>1</sup>
Bond	Kempthorne		Bingaman	Kerrey	
Brown	Kyl		Boxer	Kerry	
Burns	Lott		Bradley	Kohl	
Campbell	Lugar		Breaux	Lautenberg	
Chafee	Mack		Bryan	Leahy	
Coats	McCain		Bumpers	Levin	
Cochran	McConnell		Byrd	Lieberman	
Cohen	Murkowski		Conrad	Mikulski	
Coverdell	Nickles		Daschle	Moseley-Braun	
Craig	Packwood		Dodd	Moynihan	
D'Amato	Pressler		Dorgan	Murray	
DeWine	Roth		Exon	Nunn	
Dole	Santorum		Feingold	Pell	
Domenici	Shelby		Feinstein	Pryor	
Faircloth	Simpson		Ford	Reid	
Frist	Smith		Glenn	Robb	
Gorton	Snowe		Graham	Rockefeller	
Grams	Specter		Harkin	Sarbanes	
Grassley	Thomas		Heflin	Simon	
Gregg	Thompson		Hollings	Wellstone	
Hatch	Thurmond				
	Warner				

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

**Those favoring** the motion to table contended:

By law, reductions in the discretionary spending limits cannot be used to offset tax cuts or direct spending increases. Appropriated accounts fall under the budget discipline of spending caps; entitlement accounts fall under pay-as-you-go procedures. The different budget treatment accorded discretionary appropriations and tax and entitlement spending makes it out of order to consider using discretionary spending cuts to pay for tax cuts. In the Senate, it takes 60 votes to waive that point of order. The Byrd amendment, which has been offered to prevent using discretionary spending cuts to pay for tax cuts, is therefore redundant. Some political arguments have been made that it is necessary in response to a proposal by House Republicans; however, if our colleagues want to play partisan games, we point out to them that the current Democratic President has made a similar, though worse, proposal. Political gamesmanship aside, there is no point in passing a law to ban what is already banned, so the Byrd amendment should be defeated.

Under the Budget Act, all discretionary appropriations--domestic, foreign, and defense--may not exceed a single, unified spending cap in a year. If the cap is exceeded a sequester takes place. If spending does not reach the cap, nothing happens. Reducing a cap would not necessarily mean that savings equal to the size of that reduction would be achieved, because there is no guarantee that spending would have reached that cap. For this reason, caps are not scored; appropriations are. Spending caps are not a definite measure of spending, but a tool to prevent excessive spending. Mandatory spending and revenues, on the other hand, are controlled by pay-as-you-go (PAYGO) procedures. Under PAYGO, the Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) track all mandatory spending and revenue legislation enacted since the Budget Enforcement Act of 1990. If at the end of a session of Congress such legislation has, in total, increased the deficit for the current and budget years, spending for nonexempt mandatory programs is cut by the amount of the increase.

The separate procedures do not allow the single, 1-year changes in appropriated accounts to be used as offsets for the permanent changes in mandatory accounts or for tax changes which are equally permanent barring further legislative action. In the Senate, a 60-vote point of order would lie against any such attempt. The sponsor of the amendment is a master of the Senate rules, and thus surely understands this fact. Still, he professes to believe that this amendment is necessary because of a House Republican proposal to pay for tax cuts with discretionary spending cuts. Though he knows that the Senate already has a 60-vote point of order against this proposal, he says we should pass the Byrd amendment to state explicitly that the point of order exists. It is rather odd that proponents of the Byrd amendment are only concerned with the House Republican proposal. The President, a Democrat, has made a similar, though even more egregious, proposal on which they have not breathed one syllable. The President, in his budget submission, first assumed higher spending caps than allowed by law, then he proposed that those caps be cut down to the size allowed by law, and that the "savings" be then used to finance his so-called middle-class tax cuts.

For our part, we are not concerned by this transparent gimmick by the President to create phony discretionary savings to pay for revenue cuts. We know that a point of order lies against his proposal, and we will not support this type of budgetary gimmick. Some supporters of this amendment may wish to tweak House Republicans for their proposal; we feel no comparable urge to tweak the President for his similar, though worse, proposal. Accordingly, we support the motion to table the Byrd amendment.

**Those opposing** the motion to table contended:

The Byrd amendment would stop a Republican plan to rob the poor to give tax breaks to the wealthy by establishing a 60-vote point of order against using discretionary spending cuts to pay for tax breaks. House Republicans, in their so-called Contract With America, have proposed tax cuts that will decrease Federal receipts by \$180 billion in the next 5 years and by \$450 billion more in the subsequent 5 years. The House Ways and Means Committee has already written a bill to put those proposed tax cuts into law.

All of these new tax breaks will have to be paid for. Unfortunately, it appears that the House is going to try to pay for these tax cuts with discretionary budget cuts. Though the Ways and Means Committee has not told us the specifics of how it intends to pay for this tax pork, the Washington Post reported on March 17 that the House Budget Committee has approved the "broad outlines of \$190 billion in spending cuts over the next 5 years to finance a massive GOP tax cut. Nearly half the reductions would come from welfare and Medicare and the rest from hundred of other government programs and foreign aid."

Aside from the moral revulsion we feel at this plan to transfer income from the neediest Americans to the wealthiest Americans, we also object to this plan on commonsense budgetary principles. It is unwise for the Government to use projected savings from discretionary spending to pay for tax cuts or entitlement expansions, which by their very nature are permanent. They, theoretically, are there forever. Appropriations, though, are on a year-by-year basis. To rely on a budget process that promises to constrain appropriations in future years to pay for tax cuts or entitlement expenses is like buying an unaffordable new house based on the expectation that a person is going to get a substantial raise each and every year that follows. It might happen, but it might not.

We are aware that Dr. Reischauer of the CBO has agreed with our colleagues that a point of order implicitly lies against this use of savings from cutting discretionary spending. We also know that a new CBO Director has been appointed, and her views are unknown, and we know that it has been reported that House Republicans are hoping to slash welfare and Medicare to pay for tax breaks for rich Americans. Given the facts as we know them, and the uncertainties that exist, the prudent course for Senators is to

**MARCH 23, 1995**

**VOTE NO. 114**

---

vote in favor of the Byrd amendment's explicit statement that a 60-vote point of order in the Senate exists.